

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5044 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANUBHAI ATMARAM CHUDASMA

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

None present for Petitioner

MR SAMIR DAVE for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/96

ORAL JUDGEMENT

The matter was called out for hearing in the first round then in the second round in first sitting and in third round in the second sitting, but none put appearance on behalf of the petitioner.

Heard learned counsel for the petitioner and perused the Special Civil Application. The petitioner applied for grant of auto rickshaw permit for auto

rickshaw No. GTH 3997 which has been declined by R.T.O. under the order dated 4-10-1986. Feeling aggrieved of the said order, the petitioner filed appeal under sec.64(1)(a) of the Motor Vehicles Act, 1939 before the State Transport Appellate Tribunal, Gujarat State at Ahmedabad. The appeal came to be dismissed by the appellate authority under its order dated 1st July, 1987. Hence this Special Civil Application.

The permit has been refused to the petitioner on the ground that the vehicle which was to ply under the said permit was ten years old model. The appellate Tribunal has not interfered with the matter. Now this vehicle would have become an old model of about twenty years and as such no permit can be granted for the said vehicle. In view of this fact, nothing substantial survives in this Special Civil Application. Otherwise also the nonappearance of the petitioner shows that he is also not interested in this matter.

Taking into consideration the totality of the facts of this case, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated.

zgs/-